DOCUMENT RESUME

ED 099 054 JC 740 495

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TITLE Management Rights in Collective Bargaining and the Impact on Presidential Autonomy.
PUB DATE Aug 74
NOTE 5p.; Paper presented at the National Conference for Community College Presidents (Quincy, California, August 1974)

EDRS PRICE MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS *Administrator Role; *Chief Administrators; *Collective Bargaining; *College Administration; Community Colleges; *Governance; Higher Education; Policy Formation; Post Secondary Education; Speeches

ABSTRACT

Changes that have taken place in academic governance, particulary as they affect the role of the college president, are discussed. These changes are traced from the time when the administration operated the institution and the president acted as a buffer between and among groups that make up the college to the present day of participatory democracy in higher education. The advent of formal collective bargaining and its effect on presidential authority are discussed. (DB)

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MANAGEMENT RIGHTS IN COLLECTIVE BARGAINING AND THE IMPACT ON PRESIDENTIAL AUTONOMY

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The topic for this session -- "Management Rights in Collective Bargaining"-- suggests a premise more or less applicable to classic industrial management. The premise is that there are those who manage and there are those who are managed.

The logical progression from this assertion is that the management acts and the managed react. Further, the managed attempt to limit the scope and condition of management. Within this framework of adversaries, the task is to lay out the strategy of who will influence the operation of any organization -- the management team or the managed?

The plot is sufficiently complicated in contemporary industrial management, and when examined within higher education, the strategy for understanding management rights depends on a careful understanding of the political sociology that makes up the college or university. An analysis of management rights in collective bargaining first centers upon the institutional manager -- the president -- and those who are managed -- the faculty.

In past years academic governance was keyed to a system termed "shared authority," the principals were trustees, president, faculty, and students. Each constituency operated in often undefined spheres of influence.

Trustees were responsible for raising funds for the college and to act as fiduciary officers in the public or private interest.

Faculty set academic policy and were exclusively responsible for quality control over instruction and curriculum.

Students cut their political teeth in student matters relating to generally non-fundamental areas of college operations.

The administration operated the institution.

Visualize a series of concentric circles overlapping one another but fairly defined -- each circle representing trustee, faculty, president and students. Such a system more or less worked although there are challenges to this assertion. But the system was based upon a subtle acceptance and respect of territorial imperatives by each of the various constituencies that made up the college.

The president was expected to politically act as the buffer between and among the groups that make up the college. Accommodation and compromise within the context of mutual understanding of roles of each was the presidential task.

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Management was not and is not as mechanistically simple as outlined in this paper, and was perhaps in its own way as frustrating as management is today. Higher education by its nature and mission has always been historically anarchical in style. The looseness of organization depended upon a stability and lack of radical change within the institution.

But the recent history of higher education has been typified by citizen expectation and what has been termed boom years to citizen disenchantment and institutional student and economic recession. In this current era of disillusionment with higher education, social and political forces are challenging the classical prerogatives exercised by colleges and universities.

Legislators are demanding greater assurance that funds are prudently used by colleges and universities and that someone is at the helm keeping the higher education steered in the correct direction.

All of the tools of scientific management have been sharpened to keep higher education pruned of inefficiency. Under the umbrella term "accountability" state agencies have initiated increasing rules and regulations that have or may result in fewer prerogatives to be exercised by management. Thus, decisions affecting the college may have their genesis in a less understood origin in a state agency, rather than at the bargaining table itself.

Equally as fundamental as the growth of state control over the governance of colleges' rights has been the growth and implementation of the philosophy of participatory democracy in the managing of the college. Participatory democracy has met higher education and the enemy -- figuratively speaking -- is the office of the president.

Members of the association of governing boards agreed at their annual meeting that trustees should assume a bigger role in handling such issues as faculty workloads, tenure, and even the content of the curriculum. State associations of trustees are no longer confined to restrict their activities to that of only raising appropriate funds to finance the colleges. Management systems, relationship among state agencies and the community colleges, and policies affecting construction are all part of the homework of the native trustees.

In Illinois, as in many other states, the more militant students have used their newly-won political enfranchisement to win non-voting membership to boards of control.

Edward J. Blaustein of Bennington describes the presidents' role. He says, "administering a college today is like playing chess on the open deck of the sinking Titanic. To make matters worse, the chess rules seem to be changing as the game proceeds."

Militant faculty organization is based on a clear delineation between management and the faculty. Issues are defined more on organizational goals than on institutional priorities. Faculty leadership is dependent on unified collective decisions rather than individual entrepreneurship and unilateral actions by individual faculty members.

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The office of the president and the president himself is often the organizational scapegoat for rallying faculty support. A view of the college presidency has no counterpart in industry

There is little if no doubt of the role of the president of the company in relation to employees and all of this related to the objectives of the company. Such is not the case in higher education. Boards, state authorities, faculty, and now students are positioned for a share in the management of the college. However, with this diffusion of authority, there is unfortunately no pluralistic sharing of responsibility.

The advent of formal collective bargaining in states such as Michigan had resulted in the weakening of presidential authority and, in some instances, the frustration by contending parties -- specifically, board and faculty -- has resulted in dramatic turnover of presidents.

The reason for the brunt of frustration upon the president is explainable. Shared authority in the most classical sense depended on commonality of purpose and mutual accommodation usually negotiated through the president. Collective bargaining framed against aggressive state authority and emerging roles in management by faculty, trustees, and in some institutions, students, has negated the leadership and broker role of the president.

Because none of the individual constituencies of the college community commands by role the institutionalized leadership for legitimacy, there exists a dichotomy whereby each adversary expects the president to act as an ally but has alienated him from the more traditional role of mediator or broker.

Bargaining is often handled by professionals on both sides of the aisle. Formal contracts often form the substance of governance that extends beyond the bread-and-butter issues of salary and working conditions.

It is not unusual for faculty members in long established unionized institutions to resent the president for attempting to work out problems with the faculty-elected officers of the union. Faculty members are ambivalent regarding their own style of governance. What is little understood by many faculty members is that militancy requires a strong dose of indirect democracy exercised by those who can devote time and skill to the game. Collective action is the strength and draw card of success.

Under these circumstances, it is not possible for them or the president to shift to individualized treatment of faculty members, nor the more nostalgic town hall or direct democracy of more relaxed times. In Illinois where there is no public employees act, the forces described are beginning to shape the style of the presidency -- faculty votes of no-confidence in the president, trustee activism (for better or worse in broader areas of the college than in the past), and increasing bureaucratic expansion by state agencies.

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Cursory review of formal agreements between faculty and board show a conspicuous absence of provisions relating to management in instruction.

John Millett in his recent publication Strengthening Community in Higher Education is quick to admit the impotence of management over instruction. Millett states, "the president may think that they have been delegated management authority in academic matters from the governing board: but in practice, faculty members consider that they themselves should decide issues of academic practice."

Thus the president and his academic officers are held accountable for quality control over one of the basic purposes of the institution, without legitimate authority to implement or carry out responsibility. Needless to say such a delegation if accomplished might be inappropriate, but it has a relationship to management in higher education related to collective bargaining.

Simply -- the results of any agreement or contract should be to further the ends of each adversary to the table.

Increasingly, as described earlier, the public through their elected representatives are demanding greater efficiency and improvement of quality in colleges and universities, and they interpret collective agreements as less than an appropriate vehicle for this purpose.

The conclusion is obvious to the practically minded businessman or industrialist on the governing board. It certainly appears that management doesn't manage and that the results of agreements contribute little to the overall purposes of the institution.

In the end, however, there is one inevitability -- there is only one focal point of collective responsibility...it is the president.

The political dependency of many trustees upon a local vote of the electorate equally complicates a discussion of management rights. Trustees understandably are in a dilemma of attempting to respond to the electorate's sensitivities to increased expenditures of money and internally (within the institution) to providing adequate resources to promote the educational and institutional missions of the college.

It is not uncommon for militant faculty organizations to elect their own trustees to the board. Therefore, as one views management rights in collective bargaining within the context of the remarks suggested today, the future is less than clear.

I would suggest that the next decade will be one of pragmatic and unstable governance structure within higher education. Management rights will be highly dependent on the political chemistry of each particular institution. The most effective governance will be within those institutions where the president becomes a new type of manager who can skip adroitly among the thorns, escaping critical political scratches.

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It is not that I have faith in the president as a man on a horse in the area of management. My assumption of presidential authority in asserting managerial rights is based on the simple conclusion that the president is the only officer vested with total perspective over the institution.

Unless alternative governance models emerge that are not c ious at this time, accommodation based on some pragmatic definitions of self interest by the various constituencies that make up the college will be made by the more politically astute presidents.

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